IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1419 OF 2004
IN
SUIT NO. 2989 OF 1992

P.N.Gurjar ...Plaintiff

Vs.

Kirit Babulal Shah & Ors. ...Defendants

And

Saraswati K. Shah & Ors. ...Respondents

Mr.S.N.Vamadalal Advocate for Plaintiff

Mr.B.H.Vyas Advocate for Defendants

CORAM: A.S. AGUIAR,J.
DATED: 19TH OCTOBER, 2004

P.C.

. This Chamber summons is taken out by the plaintiff for amendment of the plaint by deleting the names of defendant nos.2 and 3 from the suit and bringing on record their legal heirs as mentioned in the schedule to the Chamber Summons. The plaintiff has also prayed for condonation of delay in taking out chamber summons as well as for setting aside the abatement of the suit. There is a delay of about 10 years in filing the application. The plaintiff on oath has stated that he came to know for the first time on 13th September, 2004 about the death of the defendant nos.2 and 3 when the matter came up before

the Court. Plaintiff has stated on oath that he was not aware of the death of the Defendant Nos.2 and 3 till then. Thereafter on making enquiries with the Advocate for the defendants Mr. Shah he obtained the date of death and the names of the legal heirs of defendant no.2 and defendant no.3. In view of the statement made in the affidavit on oath, the chamber summons allowed.

. The Vakalatnama filed by the Advocate on behalf of respondents to be treated as Vakalatnama on behalf of newly added defendants.

. The Chamber summons is made absolute in terms of prayer clause (a), (b) and (c). Amendment to be carried out forthwith. No orders as to cost. Chamber summons stands disposed of.

. S.O. one week.

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